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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,450	06/18/2001	David L. Halbmaier	2267.421US02	1327

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EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/16/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,450

Applicant(s)

HALBMAIER, DAVID L.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 13-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 14, 15 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 7, 13, 16, 18, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. In view of applicant's amendment filed 07 July 2003 (Paper No. 8), the status of the application is as follows:

Drawings Objections

2. The proposed drawing corrections have been approved by the Examiner.

Specification Objections

3. The objection of the abstract is withdrawn in view of the amendment removing the objected language.

Claims Objections

4. The objection of claims 7, 13, 16 and 23-24, indicated as containing allowable subject matter, are maintained for reasons of record.
5. The objection of claims 4, 9, 11, 12, 17 and 18 are withdrawn in view of either Applicant's amendment to the claims clarifying structural limitations or cancellation of objected claims.

Rejections under 35 U.S.C. §112, second paragraph

6. The rejection of claims 8, 14-15 and 19-20 are withdrawn in view of either Applicant's amendment to the claims clarifying structural limitations or cancellation of objected claims.

35 U.S.C. §102(b) Rejections over Ballard

7. The rejection of claims 1-3, 5-6, 10, 14-15 and 19-22 are maintained for at least the following reasons:

8. Applicant's arguments filed 07 July 2003 have been fully considered but they are not persuasive.

9. Re claims 1 and 21, applicant argues that Ballard does not disclose first and second fluid circuits "having any measure of isolation". This is not persuasive because applicant's arguments are not commensurate in scope with the claimed subject matter. Applicant's amendment inserting "configured" to describe the operation of the fluid circuits does not further structurally define the claimed apparatus, but merely describing how the apparatus operates, *i.e.* intended future use. Moreover, applicant's broad claims language of "configured to *substantially* isolate" (emphasis added) renders the claim as anticipated by Ballard because the first fluidic circuit 64 of Ballard is "substantially isolated" from the second fluidic circuit 38.

10. Further re claims 1 and 21, applicant argues that Ballard is directed to fluid circuits ""being in fluid communication." (See, Col. 3, lines 45-48)". This is not persuasive because col. 3, line 45-48 of Ballard is directed to portions of the second

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fluidic circuit of Ballard as "being in fluid communication" and not the first and second fluidic circuits. Accordingly, the recitation of Ballard reads on applicant's claimed invention.

11. Re claim 22, applicant argues that Ballard does not disclose structure for "substantially isolating the first and second fluidic circuit". This is not persuasive because first fluidic circuit 64 and second fluidic circuit 38 are clearly shown, for instance in Figure 3, as being "substantially isolated" as claimed by applicant.

12. Re claim 10, applicant argues does not disclose "a door cleaning assembly". This is not persuasive because both cleaning assemblies 64 and 38 read on applicant's claims since either 64 or 38 could be used to clean a "door". This is considered a future intended use of the cleaning assembly and is given little patentable weight. Accordingly, the recitation of Ballard reads on applicant's claimed invention.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-3, 5-6, 10, 14-15 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,133,340 to Ballard.

Re claims 1-3, 5-6 & 21-22, Ballard discloses an apparatus 12 with base 16 having a first aperture (bottom opening) and second aperture (top opening), a first fluidic circuit 64 with fluid spray applicators/orifices 66, a second fluid circuit 38 with fluid spray applicators/jet openings, the base "substantially" isolating the fluid circuits (see entire reference of Ballard, for instance, Figure 3 and col. 3, line 14 through col. 4, lines 43); the base having sidewalls and a rear wall (see, for instance Figure 3); the sprayers being movable (see, for instance, Figure 1); a sealable cover 18 connected to the base (see, for instance, Figure 3). It is noted that in claim 1, line 7, the phrase beginning with "wherein the first fluidic circuit is configured to circulate fluid..." appears to be directed to intended use and, therefore, is given little patentable weight in the claimed apparatus.

Re claims 10, 14-15 & 18-20, Ballard discloses a base 16 defining a wash bay with cleaning assemblies 64 and 38 (see, for instance, Figure 3); the cleaning systems configured to permit varying dwell times via rotary table 52 to "insure complete cleaning of every nook and cranny of the article" (see, for instance, col. 5, line 13-21); a ridge 56 "substantially isolating" the first and second fluidic circuits; and a (door/lid) closure 18 mounted to the base forming a seal.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard in view of US 4,957,129 to Kraft *et al.* (hereinafter "Kraft").

Recitation of Ballard is repeated here from above. Although Ballard does not expressly disclose wherein the first and second sprayers are maneuverably disposed, Ballard does disclose the article to be cleaned as maneuverably disposed "to insure complete cleaning of every nook and cranny of the article" (see, for instance, col. 5, lines 12-21).

Kraft teaches that it is known to provide a spray cleaning apparatus for hollow articles with maneuverably disposed nozzles to "produce the most beneficial results" in a spray cleaning operation (see, for instance, col. 4, lines 7-19). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to utilize maneuverably disposed sprayers with stationary article, as disclosed by Kraft, in place of a maneuverably disposed article with stationary sprayers, disclosed by Ballard, because one would have arrived at the same expected results (*i.e.* improved cleaning over stationary article and sprayers) since it has been held that a mere reversal of the essential working parts of a device involves only routine

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skill in the art. *In re Einstein*, 8 USPQ 167; *In re Gazda*, 104 USPQ 400 (CCPA 1955).

The rearrangement of parts was also held to have been obvious. *In re Japikse*, 86 USPT 70 (CCPA 1950).

Allowable Subject Matter

18. Claims 7, 13, 16, 18 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record does not teach or suggest the claimed cleaning apparatus utilizing a base having a third aperture and wafer carrier door holding fixture in contact about the third aperture, a fluid leakage detector disposed in the base, an ionizer, or a mechanical/pneumatic isolating means isolating the first and second fluid circuit.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

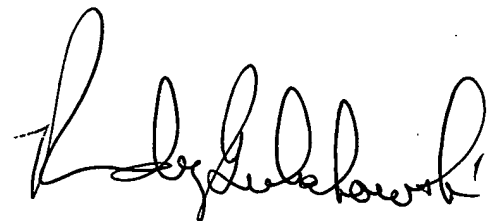
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (703)308-4333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlp

A handwritten signature in black ink, appearing to read 'Randy Gulakowski', is written over a faint, larger signature.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700